

**REMARKS**

The application has been amended and is believed to be in condition for allowance.

The indication that claims 18-25 and 32 were directed to allowable subject matter is noted with appreciation.

Terminal Disclaimer

Claims 17-25 and 32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over copending applications 10/582,140 and 10/582,139.

A terminal disclaimer is attached to overcome this rejection.

I. Amendments

The Official Action objected to claims 22-22 and 32.

To respond to the first objection, the term "*means*" in claim 17 was changed into "*positioning pointer*" to provide antecedent basis for the term "*pointer*", in claims 20-22.

To respond to the second objection, the feature "*the pattern filter being activated*" in claim 32 was changed into "*a pattern filter being activated*".

Independent claim 17 was amended, by specifying that:

- the characteristic of the ophthalmic lens is a centering characteristic;
- the support is adapted to receive a spectacle frame in which the ophthalmic lens is fitted;

- the device includes means for processing the positioning image and for deducing therefrom the position of the support in a stationary frame of reference.

Support for these claim amendments can be found in the specification, page 15, lines 27 to 33, and page 18, line 36 to page 19, line 11.

A new claim 33 was added to recite that the device includes means for determining the position of a central point of the ophthalmic lens and means for deducing therefrom the centering characteristic of the ophthalmic lens. The further new claims correspond to prior claims.

Support for claim 18 can be found in the specification, page 18, line 16, to page 19, line 25.

No new matter is added as a result of these claim amendments.

The elimination of any subject matter from the claims does not constitute abandonment of the corresponding subject matter from the scope of the invention. The applicants reserve the right to re-introduce into the claims any matter no longer claimed in the amended claims, at a subsequent step of the process, or to pursue such matter in a divisional application.

## 2. Double patenting

As noted above, a Terminal Disclaimer to overcome the "double patenting" rejection is attached.

### 3. Patentability

The instant Office Action states that claims 17 and 26-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,359,684 (hereinafter "IKEZAWA"). The Applicant has carefully studied the cited reference and respectfully submits that this prior art does not show or suggest the present invention as recited in independent claims, as amended.

IKEZAWA discloses a lens specifying apparatus for measuring the spectral transmittances of a lens under examination, to determine its surface treatments.

This apparatus includes a light source 21, a filter disc 60 to cut off some wavelengths, a support member 9 for the spectacle frame of the lens, a lens receiver 13, a stepped mounting hole 12 disposed under the support member 9, a camera 36 and a processing circuit 37. The lens receiver 13 consists of a pattern plate 28 which is formed with approximately 1000 small holes for use in measuring a refractive distribution to produce mapping for refractive characteristics of the lens.

The Applicant agrees that the support member 9 is movable laterally along two mutually perpendicular axes.

However, IKEZAWA does not disclose the specific characteristic according to which the apparatus includes means for processing the lens' image and for deducing therefrom the position of the spectacle frame support in a stationary frame of reference. In IKEZAWA, the apparatus includes only a

potentiometer which operates with the support member 9 (column 11, line 20) to detect whether the lens under measurement is the left lens or the right lens of the spectacle frame.

Therefore, Applicant submits that IKEZAWA does not suggest the present invention as recited in amended independent claim 17.

Accordingly, Applicant respectfully submits that the basis for rejecting independent claims under 35 U.S.C. §102(b) is traversed.

#### 4. Conclusion

In light of the above remarks, reconsideration of the rejected claims is respectfully requested.

Based on the arguments presented above, it is respectfully asserted that pending claims overcome the rejections of record and, therefore, allowance of these claims is solicited.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This response is believed to be fully responsive and to put the case in condition for allowance. An early and favorable action on the merits is earnestly requested.

Please charge the requisite fee of \$156 for three extra claims of any type to our Credit Card. Please also charge the requisite Terminal Disclaimer fee of \$140 to our Credit Card.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- a Terminal Disclaimer